App F IX 4

Previous References
Mel. 96-28 (1-4)
" 44-33 (8+12)
" 49-33 (10, 11)
" 49-33 (30,31)
Later References

1933
(Me)

File No 59-33
Serial Nos 36+37

GENERAL AND REVENUE SECRETARIAT.

Serial Nos Two

Part B for April 34

SUBJECT.

Re. the correct interpretation of by law No. 22 of the Water Supply by laws in force in the Tuticorin Town Municipality

34) To The Presidente,
Town Municipal Council, Tuticorin.
No. 74 65 dt 17-4-34

Returns the by laws stating that by law No. 22 is quite clear & that it applies to the by laws Nos 1 to 5

1/s 26/4/34

4267/2 4267/2

General and Revenue Secretariat | File No | of 193 | [App F III—2

Serial No

From the President, Trunkan Municipal Council

D.O. no 58/33-34 dt 7-3-34

Requests instructions as to the correct interpretation of bylaws no 22 of the water supply bylaws of the Trunkan Municipality, sanctioned in G.O. dated 15 Oct 1928

1 The matter of interpretation of a bylaw framed by a municipal council & approved by the Govt is one in which the Municipal Council has to take legal opinion on its own initiative and Govt cannot therefore interpret it as against any interpretation which a Court of Law may put upon it in a case coming up before it for decision.

2 It is for orders of the Hon'ble Minister whether it is regretted that no instructions can be issued in the matter & that legal opinion should be taken thereon by the Municipality itself

3 A similar reply was given in 20 or 3 cases. Please submit one Succ. 21.

14/III/34 AM

AM 19/3

NOTE—Contn Sheet

WD 0434—GPB—15 000—12-10-33

4267 4267

File No of 1933-34 General and Revenue Secretariat

Serial No

4 Pl. cdlr 44-33-88 8712 which has some bearing on the subject is putup (vide flag J).

5 I think there was a letter from the Turnkey Mr President himself. Please perusp the file

from 24/8/34 AN

6 The collrs mlg 49-33-88 10871 2nd 49-33-88 30037 are put up below. They do not seem to have a bearing on the subject

from 28/8/34 AN

7 The President may be informed that he has to interpret the bylaws himself, taking the legal advice if necessary

8 Bylaw 22 in question seems to be apparently clear, viz that it applies only to bylaws 1 to 5 & the other interpretation does not seem to be possible. It is upto the President to have the bylaws amended, if necessary, so as bring other bylaws other than 1 to 5 within its purview

AN 29/8

Devdass)

9 A can be the only interpretation. The only point is whether we should advise him or say that it is for him to interpret ~~with legal~~ & seek legal advice

AN 26/8

10 The bye laws are

AN 31/8

31 MAR 1934 2423

6415 31/8/34

5467

4267

Serial No

in force & more than 5 years the rest must be able to interpret them himself as he has asked for instructions however, the last Section may be consulted for a reply given accordingly

SDO 5/4

Secretary

MW 9 4

DR 9/4

11 There is no difficulty at all in the interpreting the language of Byelaw 22. It explicitly ~~states~~ refers to breaches of any of the byelaws from 1 to 5 inclusive and not to other byelaws. But whether in any particular case, a certain act can be or cannot be punishable under byelaw 22, depends on the facts of the case Without such facts, it is not safe to take opinion on an abstract question as now put forward by the President. For instance it may happen that in a particular case a breach of byelaw 11 may be viewed as a breach of byelaw 1 or 4 & ~~[illegible]~~

A

Commissioner

34/6 Secy

Dep Secy 9 4 34

12 Draft as at A

MW 10/4

DR 10/4

LSecy BV 10/4

10 APR 1934 2912

NOTE—Contn Sheet

WD 0434—GPB—15 000—12-10-8P

4267 4533

4267

V 4533

ml File No 57 of 1933-34

General and Revenue Secretariat

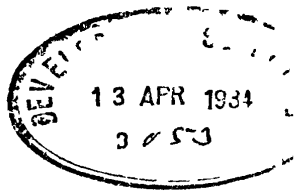
Serial No

13 Draft reply is put up for approval.
Ref to paras 10 & 12 Supra

fnc
11/4/34 AW

Desai Secy) 13/4

AW
16 4 Issue 14/4



To. The President Zumkum Sum 4 4. cl 37
Hrs the D-e Zumkum Desk
no 27465 D 17-4-34
Returns the bylaws stating that clause
no 29 is quite clear & that it applies
to the bylaws no 165

✓
B
19.4.34

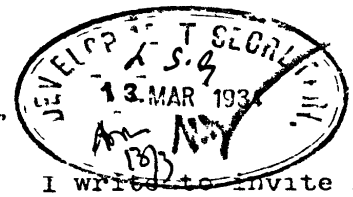
MR 59-33-36

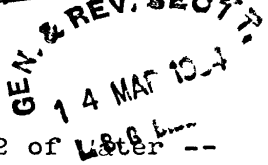
D O No- 58/33-34

Encl 2 - —

OFFICE OF THE PRESIDENT
TOWN MUNICIPAL COUNCIL
Tumkur, Dated 7th March 1934.

4267





Dear Sir,

I write to invite kind reference to Section 22 of Later -- bupply Bye-laws sanctioned by Government in their Order No.3207/M1. 96-28-4 dated 27th October 1928,wherein it is stated thus.

" Any person infringing any of the Bye-laws from 1 to 5 inclusive shall be liable to be punished with a fine not exceeding Rs 50/- on conviction before a Magistrate"

This is interpreted in two ways viz.,

1. Persons infringing any of the Bye-laws including Bye-laws 1 to 5 are punishable under Clause No.22 of the Bye-law.

2. Persons infringing any of the Bye-laws from 1 to 5 only - will be liable for punishment on conviction before a Magistrate. In the latter case there is no penal clause under which offence for the breach of any of the other Bye-laws will become punishable.

Thus there has arisen a doubt as to which of the two - interpretations is correct. Early instructions are solicited in the matter. A copy of the printed Bye-laws and the original sanctioned by Government are herein enclosed for ready reference.

Yours sincerely,

K Venkatarama

To

S.Abdul Wajid,Esquire.,B.A.,
General Secretary to Government
of Mysore,Bangalore.

IMMEDIATE.

D O No 58/33-34

Encl - nil.

OFFICE OF THE PRESIDENT
TOWN MUNICIPAL COUNCIL
Tumkur, Dated 1st April 1934

4533

2 APR 1934

Dear Sir,

I write to invite kind reference to this office D.O.No.58/33-34 dated 8-3-1934 soliciting instructions re: the correct interpretation of Section No.22 of water supply bye-laws of this Municipality and to request that a reply may kindly be caused to be sent in the matter at a very early date as a prosecution has to be launched on or before the 8th instant.

Thanking you.

Yours sincerely,

To

M.Venkatanaranappa, Esquire., B.A.,

Secretary to Government,

Development Department, Bangalore.

Appendix F G—1]

SUBJECT

Section M2
File No 59-33
Serial No 37

Diary No of letter replied to

No £7465

To
The President
Town Municipal Council
(Thro' the D C)

General and Revenue Secretariat
( )
the *193*

Date of issue 17.4.34

Signed by Asst. Secretary

Sir,

With reference to your D.O. letter No 58/33-34 dated the 7th March 34 soliciting instructions regarding the correct interpretation of by-law no 22 of the water-supply by-laws in force in the Jaffna Town Municipality, I am directed to state that the language of the said by-law is quite clear on that it explicitly refers

List of enclosures

Copied by

Examined by

WD 0677—GPB—15 000—8 11 33

to breaches of any of the
bylaws from 1 to 5 inclusive
and not to the bylaws

2. I am to add that these
bylaws have been in force
in the Municipality for more
than five years and that
the municipal council should
themselves be able to have them interpreted
with reference to the facts
of any particular case under
consideration, taking legal
advice if necessary

subject to appn

3 The bylaws received with your letter
under acknowledgement are herewith returned /
I have etc

Secy to Govt
Town Development Dept

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L7465/RL59-33-37 Bangalore, Dated, 17th April 1934

From

The *Secretary to the Government of His Highness the Maharaja of Mysore, Development Department*

To

The President,
Town Municipal Council, Tumkur.
Through the Deputy Commissioner, Tumkur District.

Sir,

With reference to your D:O. letter No. 58/33-34, dated the 7th March 1934, soliciting instructions regarding the --- correct interpretation of bylaw No. 22 of the water supply -- bylaws in force in the Tumkur Town Municipality, I am directed to state that the language of the said bylaw is quite clear and that it explicitly refers to breaches of any of the bylaws from 1 to 5 inclusive and not to other bylaws.

2. I am to add that these bylaws have been in force in the Municipality for more than five years and that the Municipal Council should themselves be able to interpret them with reference to the facts of any particular case under consideration.

3. The bylaws received with your letter under advertence are herewith returned.

I have the honor to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Development Department.

TRM.2